

MINUTES
OF
THE UTAH RADIATION CONTROL BOARD
June 4, 2004
Department of Environmental Quality (Bldg. #2)
Conference Room 101
168 North 1950 West
Salt Lake City, Utah 84114-4250

BOARD MEMBERS PRESENT

Karen S. Langley, M.S., Chair
Dianne R. Nielson, Ph.D., Director of DEQ
Dane Finerfrock, Executive Secretary
Keith C. Barnes, J.D.
Rod O. Julander, Ph.D.
Linda M. Kruse, M.S.
Dan Perry, B.S.
John W. Thomson, M.D.
Gene D. White, Commissioner

BOARD MEMBERS ABSENT/EXCUSED

Kent J. Bradford, P.G.
Gary L. Edwards, M.S.
Stephen T. Nelson, Ph.D., Vice Chair
Gregory G. Oman, D.D.S., B.S.
Robert S. Pattison, B.S.

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Edith Barker, DRC Staff
Mary Besst, DRC Staff
Brenda Jacobsen, DRC Staff
Craig Jones, DRC Staff
Loren Morton, DRC Staff
Fred Nelson, Attorney, DEQ/Atty Gen's Ofc
Ray Nelson, DRC Staff
Yoli Shropshire, DRC Staff
William J. Sinclair, M.S.E.H., Deputy Dir., DEQ

PUBLIC

Bette Arial, Envirocare
Robert Baird, URS Inc.
Sara Cope, AG
Ron Dean, Senator Hatch's Office
Judy Fahys, Salt Lake Tribune
Jason Groenewold, Heal Utah
Darran Marshall, ULAG
Tim Osterstock, ULAG
Tye Rogers, Envirocare
Mike Silva
Karen Watsen, SAFE

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:00 p.m. by Karen Langley, Chair to the Board. Karen Langley welcomed the Board members and the public attending the meeting, and indicated that if the public wished to address any items on the agenda to sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

I. APPROVAL OF MINUTES (Board Action Item)

a. Approval of May 7, 2004 Minutes

Karen S. Langley, Chair, proposed the following change to the minutes:

1. Page 7, paragraph 2 change positronic to positron emission tomography

**MOTION MADE BY ROD O. JULANDER TO APPROVE THE
MINUTES OF MAY 7, 2004,
SECONDED BY GENE D. WHITE.**

MOTION CARRIED AND APPROVED UNANIMOUSLY

II. RULES (No Items)

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION (No Items)

IV. X-RAY REGISTRATION/INSPECTION (Board Action Item) – Craig Jones

a. Approval of Certified Mammography Imaging Medical Physicists

Craig Jones, Manager, provided the Board with a list of the Mammography Imaging Medical Physicists (MIMP). He said the list of medical physicists were all recertification applicants with the exception of Lisa M. Bosworth. Lisa M. Bosworth is a new certification applicant. All of the applicants have completed an application to be recertified or certified as a MIMP for the period of June 1, 2004 to May 31, 2005. A review of the applications has shown that the individuals meet the applicable experience and educational requirements established by the Board for MIMP certification. Craig Jones asked the Board to approve the certification of the applicants on the MIMP list.

**MOTION MADE BY ROD O. JULANDER TO APPROVE THE
MAMMOGRAPHY IMAGING MEDICAL PHYSICISTS
SECONDED BY DAN PERRY.**

MOTION CARRIED AND APPROVED UNANIMOUSLY

V. Other Division Issues

**a. New Hires at Division of Radiation Control
(Board Information Item) – Dane Finerfrock**

Dane Finerfrock, DRC Division Director, introduced two new Division Secretaries, Brenda Jacobsen and Mary Besst. Dane welcomed Brenda Jacobsen and Mary Besst to the Division.

**b. Expired Terms of Board Members (Board Information Item) –
Dane Finerfrock**

Dane Finerfrock, Executive Secretary, said that Gary Edwards would be ending his service on the Radiation Control Board. He said there were five other Board Members with terms expiring on July 1, 2004; however, Dane indicated that he would be asking them to serve a second term. He said it would be reasonable for the Board to assume all Board Members were available for election consideration with the exception of Gary Edwards.

**c. Election of Chair and Vice Chair for the Term of July 2004 through
June 2005 (Board Action Item) – Karen S. Langley**

**MOTION MADE BY ROD O. JULANDER TO ELECT
KAREN S. LANGLEY TO THE RADIATION CONTROL BOARD'S
CHAIR FOR THE PERIOD OF JULY 2004 THROUGH JUNE 2005.
SECONDED BY GENE D. WHITE.**

MOTION CARRIED AND APPROVED UNANIMOUSLY

**MOTION MADE BY ROD O. JULANDER TO ELECT
STEPHEN T. NELSON TO THE RADIATION CONTROL BOARD'S
VICE CHAIR FOR THE PERIOD OF JULY 2004 THROUGH JUNE
2005. SECONDED BY LINDA M. KRUSE.**

MOTION CARRIED AND APPROVED UNANIMOUSLY

**VI. RADIOACTIVE WASTE DISPOSAL
(Board Information Items)**

**a. Summary of the May 18, 2004, Meeting of Hazardous Waste Regulation
and Tax policy Task Force (Board Information Item) – Bill Sinclair**

Bill Sinclair, Deputy Director, reported that a meeting of the Hazardous Waste Regulation and Tax Policy Task Force was held on May 18, 2004. In the supplemental packet provided to the Board, there is a copy of the meeting agenda and a copy of a presentation made to the Task Force by Envirocare. One of the items discussed was a review of the legislative options for the Task Force members regarding Class B and C low-level radioactive waste. The Radiation Control Act and the Class B and C license require the legislature to take specific action to either approve or disapprove receipt of Class B and C

waste by a commercial facility. The Task Force's Counsel walked the Task Force through the various options in terms of future action.

Envirocare was given the opportunity to discuss its long-term business plans including Class B and C low-level radioactive waste. Following the discussion, the Task Force heard a short presentation by the Auditor General's Office regarding "A Performance Audit of the Department of Environmental Quality Commercial Waste Facility Oversight." Dianne Nielsen followed with a brief response. The Task Force devoted its next month's meeting on June 15 at 4:00 p.m. to a more detailed discussion of the audit.

He continued that following the audit discussion, the Task Force discussed various motions regarding a recommendation to the legislature regarding Class B and C low-level radioactive waste. Some Task Force members felt more study of the issue was needed prior to any recommendation. They stated that the Task Force had been given the specific assignment of evaluating all of the available information and needed to study all items in regard to Class B and C low-level radioactive waste. They noted that the Class B and C low-level radioactive waste was well defined and the Task Force needed to provide necessary scrutiny. Other members felt that sufficient information had been presented to make a decision. For example, some members felt that the economics of this action were not enough benefit for the State. The Task Force members voted to make a recommendation to the full legislature not to approve Class B and C low-level radioactive waste.

Questions from the Board

Dan Perry noted that in the presentation summary of the Envirocare report to the Task Force it lists B and C waste; yet, in the formal part of the presentation-record it states A, B and C low-level waste. Dan asked for clarification. Brett Rogers of Envirocare was available to clarify the presentation contents. Brett Rogers said that the presentation emphasized the safe disposal of B and C waste at Envirocare. He said that the bulk of the presentation was for the B and C waste, but it also included reference to Envirocare's ability to safely dispose of class A waste.

b. Public Notice Siting Plan Approval – Cedar Mountain Environmental – Dane Finerfrock

Dane Finerfrock, Executive Secretary, said that Cedar Mountain Environmental submitted an application under R313-25-3 which requires approval of the siting of their facility. As a result of the review of the Cedar Mountain application, a public comment period was issued on Monday, June 1, 2004. The 30 day public comment period will obtain public comment on the proposed siting criteria. Along with the public comment, the Division has established two public hearing times. One will be held in SLC on June 28th at 7:00 p.m. and another public hearing will be held in Tooele County at the Health Department Auditorium at 7:00 p.m. At the end of the process, the relative comments will be considered and a final recommendation will be

made.

Comments from the Board

Gene D. White said that Tooele County had denied a permit to Cedar Mountain Environmental, and he wondered why the State would continue the permit process without Cedar Mountain Environmental's obtaining a Tooele County permit. Dane Finerfrock said that a similar problem arose with another license application. In that situation, which is analogous of Cedar Mountain Environmental, state rules and statutes do not allow the Division to refuse an application on the basis of the approval of other state governing bodies. Dianne Nielsen added that in order for the project to move forward, it would ultimately need approval from all three of the governing entities, the Utah Legislature, the Division of Radiation Control and the County. The Division of Radiation Control, however, cannot refuse to process a license.

Dane Finerfrock introduced Bob Baird of URS Corporation. He said that URS Corporation has provided engineering and scientific consulting services to the Division for several years.

Bob referred the Board to R313-25-3. The rule addresses site characteristics. According to the rule, it is the obligation of the applicant to demonstrate that the characteristics of the site satisfy the requirement of the regulations. These characteristics deal with land use designation, geological characteristics, ground water hydrology, surface water hydrology, transportation system requirements, emergency response plans, and projective risks for facility operations and land ownership. URS reviewed the application in accordance with the current regulation provisions. URS has evaluated 33 site criteria that were prepared and submitted by Cedar Mountain Environmental. The result of the review identified a handful of issues where additional information was necessary to satisfy the intent of the regulations. URS developed interrogatories that were provided to the Division. The Division reviewed the interrogatories and revised them as necessary. The revised interrogatories were given to Cedar Mountain Environmental with instruction to provide additional information. Cedar Mountain Environmental did provide the requested information. All of the issues were resolved with one exception. Consequently, URS recommended to the Division that the information submitted by Cedar Mountain satisfied the criteria of R313-25 with one exception. The exception was land ownership. The applicant requested a deferral of the issue of land ownership until the licensing phase. URS has prepared the siting evaluation report. The report lists each of the siting criteria. The applicant must demonstrate that the characteristics of the site satisfy the criteria. The report summarizes the required criteria and the information which satisfies the criteria. The draft was supplied to the Division with appropriate references and the Division has reviewed, commented and made revisions to the draft. The final document has been made available to the public for public comment. From this point forward, there will be the two public hearings, mentioned by Dane, toward the end of June. During those hearings verbal comments will be received as well as

written comments throughout the public comment period. At the conclusion of the 30 day public comment period, the Division will meet with URS and consider the comments. The comments will be addressed, and comments with merit, objections and omissions will be identified. The final siting evaluation report will be issued and the Division will make the final siting evaluation available to the public for a second public comment period. This is the process that will be followed.

c. Audit of DEQ Commercial Waste Facility Oversight – Auditor General Tim Osterstock and Darren Marshall

Tim Osterstock, Section Manager, and Darren Marshall, Team Leader, representatives of the Legislative Auditor General's Office, updated the Board regarding "a Performance Audit of the Department of Environmental Quality's Commercial Waste Facility Oversight." Darren Marshall, Team Leader, said the Auditor General's Office was asked by the Task Force to conduct an audit of Radiation Control's Commercial Waste Facility Oversight. Under the audit objectives the Auditor General's Office was asked to (1) determine if the state licensed radioactive disposal facilities were being regulated according to and in compliance with Utah statutory requirements; (2) determine if Utah's regulatory requirements are adequate to provide effective management of state environmental concerns; and (3) determine if established fees are used in accordance with state statutes and are sufficient for the Department's operational needs.

In Chapter II of the report, the auditors found that Radiation Control needs better planning and administrative support. In addition, the DRC and DSHW lack formal oversight plans. These formal plans should prioritize greatest needs in times of tight-budget and would help prioritize highest risk oversight activities. It would ensure that highest risk oversight activities are conducted. The DRC does have inspection modules on a micro-level and were commended by the Nuclear Regulatory Commission for them; however, the Legislative Auditor General's Office would like to see prioritization of Division oversight activities in times of tight-budget. Tim Osterstock, Auditor General-Section Manager, said that it was up to the Board and the Division of Radiation Control to determine radiologically what oversight was important and must be completed. Darren Marshall said the Environmental Quality Restricted Account (EQRA) had fallen short of oversight-expenditures, and it was a concern to the Task Force. The Department of Environmental Quality felt the EQRA funding would increase in 2004 and 2005. The Auditor General's Office's recommendations for the Board is primarily to have the DRC formalize its oversight plan and include prioritization, risk assessment and necessary funding levels. There is another part of the "prioritization issue" following the Auditor General's Office 1992 audit. It was put in the Utah Code that a radioactive waste state plan would be implemented. It was drawn-up in 1994; however, it is not used and it has not been updated. The code needs to be changed and the Board can play a role in determining the State's plan for radioactive waste. The 1994 plan mostly dealt with outgoing waste, and this may be something that needs to be addressed.

Darren Marshall said that in chapter 3 of the report the Auditor General's Office made recommendations on how commercial waste disposal oversight can improve. Two issues were reviewed: the ground-water, split-sampling program and inspections and inspection plans. On the DEQ web site it states that the DRC reports to the Task Force and that the DRC conducts well-sampling on a semi-annual basis in 30% of the wells. In the audit, we found that these estimates were incorrect. The DRC does conduct groundwater split-sampling, but this occurs periodically rather than semi annually. The radioactive waste disposal facility does conduct semi-annual, groundwater, split-sampling. The policy to conduct split-sampling on 30% of the wells occurred in 2004. The Auditor General's Office recommends that the groundwater split-sampling frequency needs to be reviewed. Through winter of 2004, the DRC has conducted 4 split-sampling events. Prior to this time, in 2000 and 2001, only the wells surrounding the uranium, mill-tailings cell were sampled. The auditors were informed that it was cheaper to conduct sampling around the uranium, mill-tailings cell. The Auditor General's staff felt that well-sampling locations were determined on cost more than risk. The Auditor General's Office recommends that oversight plans are coordinated with other Divisions and kept current. They also recommend that the DRC establish a formal policy and practice for a risk-based, groundwater, split-sampling program.

Administrative issues were reviewed, and the Auditor General's Office recommends that the DRC records management be improved. Disorganized file-management caused information that was necessary to the audit not to be readily available. Some files were misplaced and could not be found. The audit wanted to review the fines for NOVs and if the fines increased for repeat violations. Due to the file disorganization, the auditors were not able to fully get a grasp of this issue. A more organized file management would expedite future review of the files. The auditors recommended that the Division create a position to implement increased management and maintenance of their information systems. This would "free up" time for the inspectors; currently, each individual inspector must handle their own filing. In addition, the auditors recommended that the Commercial Waste Facility submit its monthly payment reports in a "user friendly" format. More ongoing financial audits need to be conducted for fee collections.

Comments from the Board

Rod O. Julander said that he had waited 44 years for more monies to be available to the Division, and he did not think more monies would be appropriated in his lifetime.

Dianne R. Nielson, Director for DEQ, clarified the issue of split-sampling. She said there was a serious misunderstanding between the oversight the Division is providing and what the audit implies that the Division should be providing. First of all in both State and Federal regulations, well monitoring is the responsibility of the licensed industry, whether it is onsite or a waste

disposal site. One of the common conditions of a license is that the licensee will conduct certain groundwater and surface-water monitoring. The oversight responsibility of the Division is to make certain that the licensee is performing the monitoring analysis and properly collecting the samples and submitting them to the lab, and that the lab is providing the analytical information at the direction of the licensee. The licensee must also provide the analytical information to the Division. Split-sampling is a different issue. It is one component of oversight to ensure that the wells are properly monitored. The license provides the requirement to Envirocare, the licensee, for the frequency of sample collection and for correct process and a chain of custody for the sample collections. When the Division oversees the monitoring, the Division goes onsite and observes the collection and the chain of custody relative to the sample. The Division will also collect split-samples. The Division will collect a portion of the groundwater sample. The licensee will send a portion to the lab where they typically send their samples, and the Division will send a portion of the sample to a different lab. The objective is to provide a check not only on the process of sample-collection but to also to provide a check on the lab reports. The same material is analyzed by two different laboratories. The results determine the quality of the lab analysis. The regulatory agency relies on split-sampling to determine the quality of the regulated-entities laboratory processes. Regulatory agencies do not rely on split-samples to determine migration problems on the site. It is the purpose of the broader range of groundwater samples to evaluate possible leakage and chemistry of groundwater. The split-sampling is only a small component of oversight. It is utilized to determine laboratory analysis quality.

VII. URANIUM MILL TAILINGS UPDATE
(No Items)

IX. PUBLIC COMMENT

Jason Groenewold, Director of Heal Utah, said he was pleased that the Auditor General's Office findings were on the agenda. He hoped the Board would look at the findings closely and diligently. He said that no one is perfect and it is not nice to have faults pointed out; however, this is an opportunity for the State and particularly the agency of Radiation Control to improve the way they oversee radioactive waste disposal in the State. He said that he felt some of the issues brought-up in the audit have greater significance than what has been alluded. For example, the handling of paperwork on page 48 of the audit, there were notices of violation that had not been sent out. The audit pointed to the lack of centralization: "notices of violation can fall through the cracks; for example, one notice of violation dated July 2003 was still in the inspection file. It had the certified mailing tags attached to it indicating that it had not been sent out; moreover, the Division of Radiation Control was unable to provide all of the inspection files for 2002 and 2003. One inspection module record which includes both 2002 and 2003 inspections has been lost." He said to look at the broader time scale. The broader time scale is not just the 2002 and 2003 monitoring of the progress of the site. The audit points out that the State will assume custody of the facility within 100 years. It is important that the files are maintained for future

record and maintenance of the site.

Jason Groenewold said he appreciated Dr. Nielson's clarifications of groundwater split-sampling; but, he said we need to radically change our philosophy as to the importance of groundwater split sampling. The Auditor General's report noted there have been 3 sites "shut down" for groundwater contamination.

Groundwater contamination is a primary issue with radioactive waste disposal in the USA. The radioactive waste disposal facilities leak their waste contents into the environment. The issue of split-sampling becomes extremely important to provide independent analysis in addition to those provided by the waste disposal facilities. A self-regulated facility does not provide confidence in radioactive waste management. In essence, we are placing our trust in a facility whose financial incentive will "trump" the long term public health, safety and environmental considerations of the State. This is true of any business and we cannot expect it to be any different. The regulatory agencies role and the collection of data becomes extremely important. For example, in another agency there were 715 violations of a facility not able to detect, State required, groundwater levels and groundwater exceedences. If we are not able to rely on Envirocare to provide required information, and if Envirocare's collection system and data is not accurate, we are at Envirocare's whim to know if the results are accurate. The split-sampling is done in Washington and South Carolina on a much more frequent basis than in Utah. In Utah, there have only been 4 times since 1991 that split-sampling was collected and sent to a state lab. The mixed-waste, class-A landfill has not been split-sampled, regardless of the number of wells. The Auditor General's recommendation for more split-sampling is accurate. There is a well at Envirocare where contamination was indicated through sampling; yet, the contamination was blamed on laboratory error. The Division required increased monitoring by the facility, and the problem persisted. Only 3 years later, (6 to 8 weeks ago), the Division conducted its own split-sample to analyze the problem. If we look at a budget of 5 million per year and \$25,000 gets 30% of the samples and with \$80,000 a broad characterization could be obtained. At a minimal expense, increased analysis and scrutiny could be obtained. Inspecting the waste that enters the site, knowing shipments are accurate and testing the groundwater are fundamental ways to oversee the safe disposal of the waste coming to Utah.

Jason Groenewold stressed that fundamental oversight is an issue that he hoped the Board would consider in their review of the audit. He said the audit clearly spelled-out what the expectations were for the Division. If the Board sits back and says that overall they are satisfied with the quality of the job being done, there will not be improvement in those areas. One of the positive outcomes from the 1992 audit were the identified problems, and the 1992 audit forced the Division to address diligence to their oversight responsibilities. This is the result desired with the 2004 audit: much more diligence in record keeping, groundwater split-sampling and frequency of split-sampling. What is disheartening is the excuse used on page 34 for infrequent split-sampling (lack of funding): in 2002 and in 2003 \$94,825 and \$70,000 was available in the oversight account, and it could have been utilized for split-sampling. Where are the priorities of the Division, if

these monies were available? Why were they not utilized? The Division relies heavily on the facility they regulate for funding. Only one time, (in 1997), was an audit conducted to see if facilities were paying adequate fees to the Division based on the amounts of waste the facilities were accepting. During the 1997 Division audit, it was discovered that the waste facilities were not paying adequate fees; yet, nothing has subsequently been done over the last several years to rectify the situation. In one instance, there was \$270,000 from one facility that was not collected by the Division. There is room for improvement: an annual audit of the commercial facilities could begin. An annual financial audit of commercial facility fees due to the Division could ensure that monies are coming in and used where the Division feels the monies are needed. There were significant issues raised by the audit. Mr. Groenewold was concerned that if things remain as they are, there will not be the regiment of oversight that is needed. The audit pointed out that the philosophies of the mission statement need to be reviewed and revised to include the health and safety as well as the economic viability of these facilities—a lot of times health and economics create conflict. Mr. Groenewold offered that it is the role of the Board to make the recommendation to the legislature that the primary responsibility of the Division change in order to protect the public health and safety and the interests of the State.

Tye Rogers, Envirocare of Utah, made public comment. He said the Board has been informed of three facilities that leak all of the time. These facilities operated under a different regulatory requirement, and because of what happened at those facilities, the Nuclear Regulatory Commission has enacted laws and requirements to prevent leakage. Envirocare of Utah is the only disposal facility constructed after the new laws and requirements were enacted to protect the environment from cell leakage. He asked the Board to keep the new requirements in mind when the Board hears over and over about the other facilities leaking, and to keep in mind that Envirocare has been constructed in accordance with the new requirements. He said that he also wanted to comment on split-sampling; however, he felt Dr. Nielsen clarified the split-sampling intent. He emphasized that the Division's inspectors have been at the Envirocare of Utah facility on almost a daily basis inspecting Envirocare's procedures. When Envirocare does any type of environmental monitoring, sampling and so forth—specifically groundwater sampling--the Division has been there observing Envirocare's procedures. The Division inspectors watch Envirocare employees take the sample and prepare, package and ship the sample to the laboratory. These procedures are completed under a strict chain of custody. The samples are not sent to just any laboratory. The samples are sent to a laboratory that the State has certified. The laboratory must go through a strict certification process. Basically, the Board has heard discussion regarding split-sampling; however, split-sampling must be put into context as Dr. Nielsen has observed. It is important that the Board recognize the extreme oversight that occurs from the Division at the Envirocare facility. Envirocare has over 60 wells that are monitored. When Envirocare's 33% split-sampling is compared to Washington's 33% split-sampling, it is important to recognize that the State of Washington only has 7 wells. The greater number of wells at Envirocare also needs to be considered by the Board. Lastly, Envirocare

prides itself on its compliance record. Envirocare self-reports any problems or violations at the site to the Division, and Envirocare takes pride in compliance and self-reporting.

Comments from the Board

John W. Thomson said that Envirocare could select a lab from a number of state certified labs. John asked what state agency certifies the state certified labs. Dane Finerfrock said the State Health Laboratory has a Certification Office. Dianne R. Nielson, Director of DEQ, said the EPA also certifies the laboratories. John asked how often the Division's split-samples had differed from those collected by Envirocare. Dane Finerfrock said that differences had been detected through split-sampling. The purpose is to quantify the differences and study them to determine if there is a problem. Sometimes the cause of the differences cannot be resolved and new samples are taken to resolve the differences. John W. Thomson asked for the specific differences observed in the past. Dane Finerfrock said that the data problems presented from Envirocare stemmed from changes in laboratories doing analysis for Envirocare. Every time Envirocare has changed laboratories the Division would see problems, until the new laboratories were familiar with the type of water that Envirocare has analyzed. The groundwater below the Envirocare site is very brackish. Interference from the brackish water requires the laboratories to adjust their techniques. Until the laboratories are able to do this, there are often differences in split-sampling. Many of the incidents can be attributed to a "turn over" in laboratories. John W. Thomson asked if the laboratories receiving samples from Envirocare report directly to the Division or if Envirocare reports the laboratory analysis. Dane said that both types of reporting occurs. The Division gets the lab sheets and Envirocare prepares a summary report.

Rod O. Julander asked if the split-sampling issue could be put on the Board agenda for further discussion at another time.

Linda M. Kruse said the Board received the audit and heard Dianne Nielson's response, and there has been some discussion regarding the Board's responsibility. She said she would like to continue the discussion as to the Board's role in responding to the audit by the Auditor General's Office.

Dianne Nielson seconded the motion for further discussion by the Board of each of the issues raised in the audit. The auditors had a tight time-frame to look at the issues. There is a lot of information provided in the audit, and it would be valuable and appropriate for it to be reviewed by the Board and Legislature. Some of the recommendations, however, require legislative action to change the statutes--or the Board could enact change differently. It would be helpful for the Board to take the time to look at these issues and obtain additional information and make their recommendations or decisions. The Board does not need to respond to the audit but the Board could evaluate what has been reviewed and reported on in the audit. Then the Board and the Division should conduct business in response to the Board's determination.

Linda M. Kruse said that she does not view it to be the role of the Board to micromanage the Division. She said that she does not recall the Board looking at the issue of the Division's budget. She said that she had concern over some of the issues. She said that the Board had the responsibility to give direction and to carry out its responsibilities; however, the Board is not in the position to conduct the micromanagement of the Division.

Karen S. Langley, Chair, asked the Board to consider forming a sub-committee to evaluate specific audit issues and report their analysis and recommendations. She said there were a number tools the Board could use to evaluate questions and issues, and a sub-committee could be utilized to resolve their questions.

X. OTHER ISSUES

a. Next Board Meeting – August 6, 2004, 2:00-4:00 PM, Department of Environmental Quality, Building 2, Conference Room 101, 168 North 1950 West, Salt Lake City, Utah

Linda M. Kruse asked the Executive Secretary to inform the Board of those Board Members who would be reappointed. Dane Finerfrock said that hopefully Dr. Nielson, Dan Perry, Dr. Oman, Robert Pattison and Kent Bradford would be reappointed to the Board.

**MOTION MADE BY LINDA M. KRUSE TO ADJURN.
THE MOTION WAS SECONDED BY DIANNE R. NIELSON.**

CARRIED AND APPROVED UNANIMOUSLY

The Board meeting adjourned at 3:34 p.m.